

**THE UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b> <b>STEPHEN BRAD CARTER</b>  <b>Debtor.</b>	) ) ) ) )	<b>Case No. 15 B 14354</b> <b>Honorable Timothy A. Barnes</b> <b>Chapter 7</b>
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**To :** \* Paul M. Bach, Suliaman Law Group, Ltd., 900 Jorie Boulevard, Suite 150, Oak Brook, IL 60523  
\* Patrick Layng, United States Trustee, Region 11, 219 S. Dearborn Street, Room 873, Chicago, IL 60604  
Stephen Brad Carter, 1825 W. 187<sup>th</sup> St., Homewood, IL 60430

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on **February 16, 2016 at 10:00 a.m.**, we will appear before the Honorable Timothy A. Barnes, or such other Judge as may be presiding in that Judge's stead, in Courtroom 744, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, and present our **OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS**, a copy of which is attached hereto and served upon you herewith.

Date: February 5, 2016.

By: /s/ David P. Leibowitz

David P. Leibowitz, not individually, but as  
the chapter 7 Trustee for the Estate of  
Stephen Brad Carter

**CERTIFICATE OF SERVICE**

On February 5, 2016, the undersigned certifies that on this date, he caused a copy of the above document to be served upon each person shown on the within Notice, by United States Mail, with postage prepaid, at Chicago, Illinois. Those marked with an \* were served via Court's ECF System.

/s/ Justin R. Storer

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<b>In re:</b> <b>STEPHEN BRAD CARTER</b>  <b>Debtor.</b>	) ) ) ) )	<b>Case No. 15 B 14354</b> <b>Honorable Timothy A. Barnes</b> <b>Chapter 7</b>
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**OBJECTION TO EXEMPTIONS**

Plaintiff, David Leibowitz (“Plaintiff”), Chapter 7 Trustee for the bankruptcy Estate of STEPHEN BRAD CARTER, (“Debtor”), hereby objects to certain exemptions claimed by Debtor in his Schedule C, filed on April 22, 2015.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to 28 USC § 1334.
2. Venue is proper pursuant to 28 USC § 1409(a).
3. By Internal Operating Procedure 15 of the United States District Court for the Northern District of Illinois, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination.

**PROCEDURAL AND PROCEDURAL BACKGROUND**

5. Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code on April 22, 2015. David Leibowitz was appointed Interim Trustee.

6. A meeting of creditors under §341 of the Bankruptcy Code (the “Code”), was first scheduled for June 11, 2015. No trustee was elected at this meeting, whereupon David P. Leibowitz became the permanent trustee for this case.

7. Debtor claims a \$1,500 exemption in the stock of Carter Family Construction, Inc. pursuant to 735 ILCS 5/12-1001(d).

8. However, 735 ILCS 5/12-1001(d) is an exemption for “tools of trade”. It reads, in full, that exempt from judgment, attachment, or distress for rent would be: “The debtor’s equity

interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade *of the debtor[.]*” (Emphasis supplied.)

9. It may be that Carter Family Construction, Inc. owns tools of its trade. However, stock in a corporation is not, and cannot be, a “tool of trade” within the meaning of 735 ILCS 5/12-1001(d).

10. It is clear from the language of the statute that the exemption only protects property “of the debtor.” Accordingly, even if Carter Family Construction, Inc. owns tools of its trade, that corporation is not the debtor in this case, and Stephen Brad Carter cannot exempt any such assets.

Wherefore, the Trustee prays that Debtor’s claim of a \$1,500.00 exemption in the stock of Carter Family Construction, Inc. pursuant to the “tools of the trade” exemption in 735 ILCS 5/12-1001(d) be denied and for such other and further relief as may be just.

**David P. Leibowitz, not individually but  
as Chapter 7 Trustee for the Estate of  
Steven Brad Carter**

By: /s/ David Leibowitz  
David Leibowitz,  
One of the Trustee’s Attorneys

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